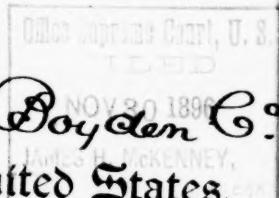


Nos. 403 and 426.  
. 99 + 116  
Motion Papers for Boyden Co.  
Supreme Court of the United States.  
Filed Nov. 30, 1896.  
October Term, 1896. Nos. 403 and 426.



NOV 30 1896  
Hector T. Fenton

BOYDEN POWER BRAKE CO., *et al.*,  
vs. WESTINGHOUSE AIR-BRAKE CO., *et al.* } Appellants.  
} Appeal.  
WESTINGHOUSE AIR-BRAKE CO., *et al.*,  
vs. BOYDEN POWER BRAKE CO., *et al.* } Appellants.  
} Cross-Appeal.

#### MOTION TO ADVANCE.

And now November 30, 1896, The Boyden Power Brake Co., *et al.*, parties appellants and appellees respectively in above entitled appeal and cross-appeal, come into court by Hector T. Fenton, of counsel for said parties, and move that an order be made advancing the said causes on the calendar and assigning the same for hearing at an early date, to be fixed by the Court.

#### REASONS IN SUPPORT OF MOTION.

By an order of this honorable Court heretofore made, these causes were advanced on the calendar and assigned for hearing on October 19, 1896, after causes previously assigned for that day. In pursuance of that order, the said causes were reached for argument on October 22, 1896, and were then argued by counsel for the parties respectively, and held under advisement by the Court.

Subsequently, to wit, on November 16, 1896, this honorable Court made an order restoring the said causes to the calendar and directing a reargument thereof.

The effect of said order of November 16, 1896, is to restore said causes to their original position on the calendar as though they had not been advanced, unless a new order shall be made in pursuance of this motion.

The same reason for advancement and early hearing of said causes exist now that existed at the time of the previous motion to advance; and as said reasons are fully set forth in the petition of The Boyden Power Brake Co. then filed, a copy of said petition is hereto annexed.

An additional reason for an early re-assignment of said causes exists in the fact that while the technical matters of mechanics involved in the issues are fresh in the mind of the Court, it would perhaps avoid the necessity of re-arguing such matters in detail, and thereby lessen the labor of the Court, if the causes are again heard at an early date.

Since the making of the order of November 16, 1896, restoring the causes to the calendar, notice of this motion, to be made on November 30, 1896, has been given to counsel of record for the Westinghouse Air-Brake Company, as also notice that January 4, 1897, would be suggested to this honorable Court as an appropriate and convenient date to be assigned for the hearing of said causes, if this motion to advance the same be allowed.

LYSANDER HILL,

HECTOR T. FENTON,

MELVILLE CHURCH,

*Of Counsel for Boyden Brake Co.*

November 30, 1896.